THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22819 of 2006

Dated: 10-11-2006

Between:

Lakkireddy Venkata Reddy

..... PETITIONER

AND

The Secretary, Regional Transport Authority,
Vijayawada and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22819 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the second respondent in seizing and detaining the petitioner's Tractor and Trailor bearing temporary registration No. AP-20-T/R-TB-4447 vide check report No. 362179 dated
05-10-2006 is arbitrary and illegal.

The check report shows that the vehicle was seized under Section 8 of the Andhra Pradesh Motor Vehicles Taxation Act and Section 207 of the Motor Vehicles Act, 1988 (for short 'the Act') and was produced before the Gampalagudem Police Station for safe custody. The allegations mentioned in the check report include that the proof of the registration of vehicle and payment of tax, Fitness Certificate were not produced apart from the fact that 20 persons were travelling in the trailor.

In this writ petition, the petitioner contended that the vehicle in question is a brand new vehicle, which was taken delivery by the petitioner on 05-10-2006 from the dealer and it was only having temporary registration mark under the provisions of Section 43 of the Act.

However, in the counter affidavit filed by the second respondent, the said plea was denied and it has been categorically stated that the vehicle seems to be an old vehicle since the trailor is of the year 2000 and is bearing chasis No.50/2000 manufactured by Sri Sai Engineering Works of the year 2000. At any rate, since the enquiry is pending before the competent authority, it is not for this Court to

enter into such disputed questions of fact and to record any finding.

So far as release of the vehicle pending enquiry is concerned, it is relevant to note that the petitioner has made an application before the first respondent seeking interim custody of the vehicle and by the date of filing of the writ petition, the said application was pending.

However, the learned counsel for the petitioner across the bar submitted that after filing this writ petition, the first respondent passed an order on 03-11-2006 informing the petitioner that the competent authority would be the Regional Transport Authority, Khammam and to take appropriate steps accordingly.

Though the learned counsel for the petitioner disputed the same and contended that the first respondent ought to have considered the request for interim custody on merits, I am not inclined to go into the question, which is beyond the purview of the present writ petition.

Accordingly, granting leave and liberty to the petitioner to take appropriate steps for interim custody of the vehicle before the authority having jurisdiction, the writ petition is disposed of. No costs.

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G. ROHINI, J

Dated: 10-11-2006
KLP